

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MODULUS-X PRECISION MACHINING
LTD.,

Plaintiffs,

v.

MODTRUSS, INC., and
DOES 1-10, INCLUSIVE,

Defendants.

Case No. 1:24-cv-4377-ELR

MODTRUSS, INC.,

Counterclaim Plaintiff,

v.

MODULUS-X PRECISION MACHINING
LTD.; KEY RIGGING EQUIPMENT LTD.;
and DEAN COLLINS,

Counterclaim Defendants.

COUNTERCLAIM DEFENDANTS' MOTION TO DISMISS

Counterclaim Defendants Modulus-X Precision Machining Ltd. (“Modulus-X”), Key Rigging Equipment Ltd. (“Key Rigging”), and Mr. Dean Collins (collectively “Counterclaim Defendants”), pursuant to Rules 12(b)(1), 12(b)(2), and 12(b)(6) of the Federal Rules of Civil Procedure, file this Motion to Dismiss

(“Motion”). In support of the Motion, Counterclaim Defendants rely on their Memorandum of Law in Support filed concurrently herein.

WHEREFORE, for the justifications set forth in their Memorandum of Law, Counterclaim Defendants respectfully request (i) that the Lanham Act Counterclaims (Counts 1-3) and remaining state law Counterclaims (Counts 4-10) be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(1) and 28 U.S.C. § 1367(c)(3) for lack of subject matter jurisdiction, (ii) that Mr. Dean Collins and Key Rigging Equipment Ltd. be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(2) for not being subject to personal jurisdiction in this Court, (iii) that Counterclaims 1-7 be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6), without prejudice, for failure to state a claim upon which relief can be granted/Federal Rule of Civil Procedure 12(b)(1) and 28 U.S.C. § 1367(c)(3), and (iv) that Counterclaims 8-10 be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6), with prejudice, for failure to state a claim upon which relief can be granted/Federal Rule of Civil Procedure 12(b)(1) and 28 U.S.C. § 1367(c)(3).

Respectfully submitted this 13th day of March, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which served a true and correct copy on all counsel of record.

This 13th day of March, 2025.

/s/Katrina M. Quicker

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